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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/774,385	01/30/2001	Richard Gibbons	087685.00002	2570
33448	7590	09/17/2004	EXAMINER	
ROBERT J. DEPKE LEWIS T. STEADMAN HOLLAND & KNIGHT LLC 131 SOUTH DEARBORN 30TH FLOOR CHICAGO, IL 60603			D AGOSTA, STEPHEN M	
			ART UNIT	PAPER NUMBER
			2683	
DATE MAILED: 09/17/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/774,385	GIBBONS ET AL.	
	Examiner	Art Unit	
	Stephen M. D'Agosta	2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 22 July 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 18 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Where in the specification is it specifically cited that the system controls stop lights.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 rejected under 35 U.S.C. 103(a) as being unpatentable over Mckenna US 6,252,519 and further in view of Ridnick et al. US 3,997,868.

As per **claim 1**, McKenna teaches a method for alerting vehicles to the presence of an emergency vehicle (title) comprising steps of:

Transmitting a signal which indicates the presence of an emergency vehicle to a plurality of vehicles

Receiving the signal in a vehicle traveling near an emergency vehicle

Generating an alarm signal which indicates the presence of the emergency vehicle (abstract, figures 1-2 and C2, L55-65) but is silent on wherein the signal transmitted to the vehicles includes information concerning location and/or direction of the emergency vehicle based on actual location information.

Ridnick teaches an emergency vehicle warning system that provides both proximity and relative direction of an emergency vehicle in relation to a person's car (C2, L40-53).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify McKenna, such that wherein the signal transmitted to the vehicles includes information concerning location and/or direction of the emergency vehicle based on actual location information, to provide information to the driver as to where the emergency vehicle is in relation to their car/location.

As per **claims 2 and 19**, McKenna teaches claim 1/18 and the alarm being a flashing light (C3, L11-15 teaches indicator which flashes).

As per **claims 4 and 21**, McKenna teaches claim 1/20 wherein the alarm is an audible tone (C2, L61-65 teaches audible response).

Claims 3 and 5 and 22 rejected under 35 U.S.C. 103(a) as being unpatentable over McKenna and further in view of Kimball et al. US 3,710,313.

As per **claims 3**, McKenna teaches claim 1/18 but is silent on the alarm being a recorded/stored message which indicates a location and/or direction of the emergency vehicle.

Kimball teaches an emergency warning system that has a repetitive recorded message alarm (abstract).

Ridnick teaches an emergency vehicle warning system that provides both proximity and relative direction of an emergency vehicle in relation to a person's car (C2, L40-53). The examiner notes that one skilled would determine the proximity and direction of the emergency vehicle relative to the user's car and decide whether to transmit the alarm, eg. if the emergency vehicle is far away and traveling in an opposite direction from that of the user, there is no need to signal an alarm to the user/driver, which reads on the claim. That said, one skilled would also just use direction of the emergency vehicle to determine if a signal should be sent, eg. the emergency vehicle may be close(r) to the user but going in an opposite direction which again does not necessarily require a signal to the user/driver.

It would have been obvious to one skilled in the art at the time of the invention to modify McKenna, such that the alarm message is recorded/stored and indicates a location and/or direction of the emergency vehicle, to provide important feedback to the vehicle that an emergency vehicle is nearby (eg. message can distinguish different types of emergency vehicles, how many vehicles, direction, proximity, etc.).

As per **claims 5 and 22**, McKenna teaches claim 1/18 **but is silent on** the signal comprised of a step of receiving the signal with a receiver that receives FM radio signals.

Kimball teaches an emergency warning system that uses an FM transmitter (abstract).

It would have been obvious to one skilled in the art at the time of the invention to modify McKenna, such that FM radio signal is used, to provide means for the vehicle's radio to be used since it already has an FM receiver (and is a cheap(er) RF technology).

Claims 6-17 and 23-36 rejected under 35 U.S.C. 103(a) as being unpatentable over McKenna and further in view of Ribnick et al. US 3,997,868 and Gross et al. US 6,326,903.

As per **claims 6, 12, 23 and 29**, McKenna teaches a method for alerting vehicles to the presence of an emergency vehicle (title, abstract, figures 1-2 and C2, L55-65) **but is silent on** comprising the steps of:

A step of selectively generating the alarm depending on a direction of the emergency vehicle.

~~Receiving the signal in a vehicle traveling near an emergency vehicle and~~

~~Generating an alarm signal which indicates the presence of the emergency vehicle (abstract, figures 1-2 and C2, L55-65).~~

But is silent on

~~Transmitting a signal which indicates the location of an emergency vehicle to a plurality of vehicles.~~

Ribnick teaches an emergency vehicle warning system that can indicate relative proximity and direction of the emergency vehicle in relation to a non-emergency vehicle (abstract, C2, L40-53) which reads on the claim.

The examiner also takes OFFICIAL NOTICE that GPS transceivers are known in the art and would provide a more accurate location of the emergency vehicle which would be transmitted to said non-emergency vehicle AND Gross teaches a more comprehensive alternative is the use of GPS for precise location of a number of emergency vehicles which can be quickly and accurately determined and circulated among the vehicles for display to vehicle operators. One aspect of the GPS system that justifies the cost is that relative locations of other emergency vehicles that can cause potential collisions can be displayed for each emergency vehicle operator. As a result, each operator is better able to identify potential trouble much more quickly, and take appropriate measures. Further, the cost for commercial GPS devices has become substantially modest so that individuals can use such devices in order to be easily located almost anywhere on the planet. The addition of GPS to the transceiver (and the

controller for the transceiver as described infra) is relatively easy, and would be apparent to any individual skilled in the various uses of GPS (C5, L14-35)..

With further regard to claims 12 and 29, McKenna is silent on transmitting a signal which indicates the location and direction of the emergency vehicle. Ribnick teaches relative proximity and direction (abstract) which reads on the claim.

It would have been obvious to one skilled in the art at the time of the invention to modify McKenna, such that location is transmitted, to provide the user with an exact location/direction that the emergency vehicle is traveling from so the user doesn't have to check all mirrors to find said vehicle.

As per **claims 7, 13, 24 and 30,** McKenna teaches claim 6/12/23/29 and the alarm being a flashing light (C3, L11-15 teaches indicator which flashes).

As per **claims 8, 14, 25 and 31,** McKenna teaches claim 6/12/23/29 **but is silent on** the alarm being a recorded/stored message.

Kimball teaches an emergency warning system that has a repetitive recorded message alarm (abstract).

It would have been obvious to one skilled in the art at the time of the invention to modify McKenna, such that the alarm message is recorded/stored, to provide important feedback to the vehicle that an emergency vehicle is nearby (eg. message can distinguish different types of emergency vehicles, how many vehicles, etc.).

As per **claims 9, 15, 26 and 32,** McKenna teaches claim 6/12/23/29 wherein the alarm is an audible tone (C2, L61-65 teaches audible response).

As per **claims 10, 16, 27 and 33,** McKenna teaches claim 6/12/23/29 **but is silent on** the signal comprised of a step of receiving the signal being FM radio signals.

Kimball teaches an emergency warning system that uses an FM transmitter (abstract).

It would have been obvious to one skilled in the art at the time of the invention to modify McKenna, such that FM radio signal is used, to provide means for the vehicle's radio to be used since it already has an FM receiver as well as it being a cheap(er) RF technology.

As per **claims 11, 17, 28 and 34**, McKenna teaches claim 6/12/23/29 **but is silent on** wherein the location information is comprised of GPS data.

The examiner also takes OFFICIAL NOTICE that GPS transceivers are known in the art and would provide a more accurate location of the emergency vehicle which would be transmitted to said non-emergency vehicle AND Gross teaches a more comprehensive alternative is the use of GPS for precise location of a number of emergency vehicles which can be quickly and accurately determined and circulated among the vehicles for display to vehicle operators. One aspect of the GPS system that justifies the cost is that relative locations of other emergency vehicles that can cause potential collisions can be displayed for each emergency vehicle operator. As a result, each operator is better able to identify potential trouble much more quickly, and take appropriate measures. Further, the cost for commercial GPS devices has become substantially modest so that individuals can use such devices in order to be easily located almost anywhere on the planet. The addition of GPS to the transceiver (and the controller for the transceiver as described infra) is relatively easy, and would be apparent to any individual skilled in the various uses of GPS (C5, L14-35).

It would have been obvious to one skilled in the art at the time of the invention to modify McKenna, such that GPS data is used, to provide an exact position/location of the emergency vehicle (user doesn't have to guess as to where the emergency vehicle is traveling from and check all mirrors).

Claim 18 rejected under 35 U.S.C. 103(a) as being unpatentable over McKenna and further in view of Ridnick and Leonard et al. US 6,072,406 or Robertson US 5,345,232 (hereafter Leonard or Robertson).

As per claim 18, McKenna teaches a method for alerting vehicles to the presence of an emergency vehicle (title) comprising:

Means for transmitting a signal which indicates the presence of an emergency vehicle to a plurality of vehicles (abstract, figures 1-2 and C2, L55-65)

But is silent on

Transmitting to a base system, and

Means for receiving the signal at the base system controlling and a plurality of stop lights to decrease traffic interference based on a direction of travel for the emergency vehicle.

Ridnick teaches an emergency vehicle warning system that provides both proximity and relative direction of an emergency vehicle in relation to a person's car (C2, L40-53).

Leonard or Robertson teach different embodiments regarding an emergency vehicle having capability to control traffic lights. Leonard teaches the vehicle controls the lights (abstract, figures 1-5 and C1, L59-67) and Roberston teaches that the emergency vehicle provides information to a control program that changes the traffic lights (abstract, figures 3-4, 7 and C5, L66 to C6, L59). Hence, the examiner notes that the control function can be located with the emergency vehicle and/or at a central "base system" or other location.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify McKenna, such that data is transmitted to a base system which controls traffic/stop lights based on direction of emergency vehicle, to provide means for giving the emergency vehicle mostly green traffic lights to speed its progress to the actual emergency site/location.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 703-306-5426. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stephen D'Agosta
9-8-04




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